

BOARD OF SELECTMEN
December 13, 2004
Meeting Hall – Town Hall

SELECTMEN PRESENT: Peter Charter, Dennis Frawley, Mark Leighton, Dennis Milanovich, A. Leo Miller, Michael Stupinski and Nancy Way

OTHERS PRESENT: Deputy Fire Marshal: Kevin Regan; Fire Inspector: Don Maguda; Superintendent of Schools: Richard Packman; Conservation Commission: J. Gage; Tax Collector: P. Lombardo; Public Works Director: P. Michaud; Building Official: P. Williams; Town Planner: M. Davis, Fire Marshal: A. Lawrence; EVAC: P. Haney, T. Shook; Community Development Office: F. Van Treese; Director of Finance: N. DiCorleto; Hartford Courant Reporter: R. Labossiere

ANNUAL FIRE PREVENTION POSTER CONTEST AWARD PRESENTATION:

Kevin Regan and Dennis Milanovich presented the following students with awards:

Fourth Grade:

First Place: Mikala Antonaras
Second Place: Annie Sawamura
Third Place: Caelan Thibodeau

Fifth Grade:

First Place: Tessa Kehoe
Second Place: Haley Brown
Third Place: Nicole Ferguson

PUBLIC HEARING: SMALL CITIES GRANT APPLICATION

First Selectman Milanovich opened the public hearing at 7:44 p.m. and read the legal notice. He asked for comments from the public.

Fran Van Treese explained that this public hearing is a requirement of the grant application to allow the public to comment on the new Small Cities grant application for the housing rehabilitation program and to comment on alternative programs. Ms. Van Treese explained the housing rehabilitation program requirements and how each project is prioritized.

No one from the public commented.

Mr. Milanovich closed the Public Hearing at 7:55 p.m.

BOARD OF SELECTMEN MEETING

I. CALL TO ORDER:

First Selectman Milanovich called the meeting of the Board of Selectmen (BOS) to order at 7:55 p.m.

II. CITIZENS' FORUM: No one came forward.

III. APPROVAL OF MINUTES:

A. November 15, 2004 Board of Selectmen Regular Meeting

MOVED (STUPINSKI), SECONDED (CHARTER) AND PASSED UNANIMOUSLY TO AMEND THE NOVEMBER 15, 2004 BOARD OF SELECTMEN REGULAR MEETING AS FOLLOWS: PAGE 7, CORRESPONDENCE, ITEMS A. & B., ADD AS LAST PARAGRAPH: "MR. STUPINSKI OBJECTED TO THE FACT THAT MR. MILANOVICH HAS PRESENTED MR. LUGINBUHL WITH ANY OPTIONS OTHER THAN COMPLIANCE WITH PERMITS AND REGULATIONS. MR. STUPINSKI SUGGESTED THAT, IN THE FUTURE, MR. MILANOVICH ADDRESS SUCH ISSUES BY CONVENING A MEETING WITH HIMSELF, THE CITIZEN, AND THE PERTINENT DEPARTMENT HEAD, TO ENSURE ALL PARTIES UNDERSTAND THE REQUIRED ACTIONS."

Mr. Milanovich stated that he would like an opportunity to review and expand on the amendment. He suggested preparing a transcript of the discussion.

MOVED (MILANOVICH), SECONDED (MILLER) AND FAILED [MILANOVICH/MILLER/LEIGHTON IN FAVOR; STUPINSKI/CHARTER/WAY/FRAWLEY OPPOSED] TO AMEND THE NOVEMBER 15, 2004 BOARD OF SELECTMEN REGULAR MEETING TO INCLUDE A TRANSCRIPT OF THE DISCUSSION UNDER CORRESPONDENCE, ITEMS A. & B.

MOVED (STUPINSKI), SECONDED (WAY) AND PASSED [LEIGHTON ABSTAINED] TO APPROVE THE NOVEMBER 15, 2004 BOARD OF SELECTMEN REGULAR MEETING MINUTES AS AMENDED.

B. November 22, 2004 Board of Selectmen Special Meeting:

MOVED (WAY), SECONDED (CHARTER) AND PASSED UNANIMOUSLY TO AMEND THE NOVEMBER 22, 2004 BOARD OF SELECTMEN SPECIAL MEETING MINUTES AS FOLLOWS: SELECTMEN PRESENT: PETER CHARTER, DENNIS FRAWLEY, DENNIS MILANOVICH AND NANCY WAY; SELECTMEN ABSENT: MICHAEL STUPINSKI, A. LEO MILLER AND MARK LEIGHTON.

MOVED (WAY), SECONDED (CHARTER) AND PASSED [LEIGHTON/MILLER ABSTAINED] TO APPROVE THE NOVEMBER 22, 2004 BOARD OF SELECTMEN SPECIAL MEETING MINUTES AS AMENDED.

IV. UNFINISHED BUSINESS:

A. Personnel Rules and Regulations Revisions – Final Draft

MOVED (CHARTER), SECONDED (WAY) AND PASSED UNANIMOUSLY TO HOLD A SPECIAL MEETING ON JANUARY 3, 2005 AT 7:30 P.M. TO DISCUSS THE PERSONNEL RULES AND REGULATIONS REVISIONS – FINAL DRAFT.

- B. Update on Status of Plan of Conservation and Development
- C. Update of Status of Planning & Zoning Regulations Revisions

Items B. & C. were discussed together.

Matt Davis stated that the Planning & Zoning Commission will hold a Special Meeting in early January to review documents (i.e., Build-out Analysis, Crystal Lake Water Study, Emergency Services Evaluation) to prepare a budget and time line to update the Plan of Conservation and Development and the Zoning Regulations. He will advise the BOS of the Special Meeting date.

V. NEW BUSINESS:

MOVED (FRAWLEY), SECONDED (CHARTER) AND PASSED UNANIMOUSLY TO ADD TO NEW BUSINESS ITEM F, *EVAC – REQUEST REPLACEMENT OF AED'S*; ITEM G, *AUTHORIZE FIRST SELECTMAN TO SIGN PRE-APPLICATION FOR SMALL CITIES GRANT* AND ITEM H, *PERSONNEL ISSUE – MATT DAVIS, TOWN PLANNER*.

- A. Tax Refunds/Abatements:

MOVED (FRAWLEY), SECONDED (MILLER) AND PASSED UNANIMOUSLY TO APPROVE THE TAX REFUNDS IN THE AMOUNT OF \$3,216.32 AND TAX ABATEMENTS IN THE AMOUNT OF \$204.46, AS RECOMMENDED BY THE TAX COLLECTOR IN THE REFUNDS/ABATEMENTS STATEMENT.

- B. Grant Permission to Cross Over Town-owned Open Space:

Mr. Stupinski stated that the agreement does not specify how much logging will be permitted. He questioned if the property would be clear cut or if just a portion of the land would be logged. Mr. Gage stated that his discussions with the logger indicated that he will do a selective cutting.

MOVED (FRAWLEY), SECONDED (MILLER) AND PASSED UNANIMOUSLY TO AUTHORIZE THE FIRST SELECTMAN TO EXECUTE AGREEMENT BETWEEN TOWN OF ELLINGTON AND JEFFREY HUNT AND BRAD CORDSTEN TO CROSS TOWN LAND FOR LOGGING PURPOSES, AS PREPARED BY TOWN ATTORNEY.

- C. Fire Marshal Request to Appoint Life Safety Code Inspector:

MOVED (FRAWLEY), SECONDED (MILLER) AND PASSED UNANIMOUSLY TO APPOINT JAMES YORK AS LIFE SAFETY CODE INSPECTOR TO SERVE ON AN ON-CALL BASIS AT A RATE OF \$17.48 PER HOUR, AS RECOMMENDED BY THE FIRE MARSHAL.

- D. Request to Hire Deputy Tax Collector:

MOVED (WAY), SECONDED (CHARTER) AND PASSED UNANIMOUSLY TO HIRE ANN MARIE CONTI AS DEPUTY TAX COLLECTOR AT AN ANNUAL SALARY OF \$33,017 FOR A 35-HOUR WORK WEEK WITH A STARTING DATE OF JANUARY 3, 2005.

E. Employee Grievance

Mr. Milanovich stated that he received an employee grievance regarding wages and has responded to the grievant that the objection is premature. A meeting with the Union has been scheduled for January 12, 2005.

F. EVAC – Request Replacement of AED's:

Terry Shook distributed information regarding the FDA recall of the Automated External Defibrillators (AED) and a quote from Medtronic regarding replacement units. He noted that the quote includes upgrading the Lifepaks so they will be compatible with both Fire Departments. EVAC did consult with other manufacturers regarding pricing; however, they did not include the discount offered by Medtronic.

MOVED (FRAWLEY), SECONDED (STUPINSKI) AND PASSED UNANIMOUSLY TO APPROVE THE REQUEST OF THE ELLINGTON VOLUNTEER AMBULANCE CORPS TO REPLACE DEFECTIVE AUTOMATED EXTERNAL DEFIBRILLATORS IN THE AMOUNT OF \$18,700 TO BE FUNDED THROUGH THE AMBULANCE FEE PROGRAM, PENDING BOARD OF FINANCE APPROVAL.

G. Authorize First Selectman to Sign Pre-Application for Small Cities Grant.

MOVED (FRAWLEY), SECONDED (MILLER) AND PASSED UNANIMOUSLY TO AUTHORIZE THE FIRST SELECTMAN TO SIGN THE PRE-APPLICATION FOR 2004 SMALL CITIES GRANT ADMINISTERED THROUGH THE STATE DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT.

H. Personnel Issue: Matt Davis

Mr. Davis came forward. He stated that he met with Mr. Milanovich on Friday and discussed the three items listed in his email dated December 6, 2004. Mr. Davis asked to discuss the first item with the BOS in open session which is a request to rescind/revoke two "written reprimands" from his personnel file.

Mr. Davis stated that formal action may be taken and requested that Mr. Leighton recuse himself from this discussion. Mr. Leighton agreed and left the table at 9:00 p.m.

Mr. Davis reviewed the issues which prompted the first "written reprimand" (dated March 4, 2004) noting that the concerns have been resolved with the Building Official. Mr. Williams stated that he and Mr. Davis are working together to resolve the building/zoning permit issues. There was discussion regarding the fact that Mr. Davis distributed his memo dated March 2, 2004 to all the Land Use Commissions and staff and that such action was inappropriate.

Mr. Davis referenced the second "written reprimand", which was never distributed to the BOS. He stated that it is difficult, if not impossible, to move forward and perform his job with documents in his personnel file that threatens his termination. Mr. Milanovich stated that he is prepared to work toward removing the letters. Mr. Davis agreed that communication has been improved regarding the handling of constituent complaints. There was discussion regarding preparing a letter of understanding which would replace the "written reprimands". Mr. Milanovich and Mr. Davis will draft a letter for BOS approval at the January 10, 2005 meeting.

Mr. Leighton returned to the table at this time.

VI. ADMINISTRATIVE REPORTS: So noted.

VII. SELECTMEN COMMITTEE REPORTS:

A. Personnel Committee

1. Resignations:

MOVED (FRAWLEY), SECONDED (STUPINSKI) AND PASSED UNANIMOUSLY TO ACCEPT THE RESIGNATION OF JOHN RACHEK FROM THE BOARD OF FINANCE.

MOVED (MILLER), SECONDED (CHARTER) AND PASSED UNANIMOUSLY TO ACCEPT THE RESIGNATION OF GEORGE VARTANIAN AS EDC ALTERNATE MEMBER.

2. Recommended Appointments:

MOVED (FRAWLEY), SECONDED (CHARTER) AND PASSED UNANIMOUSLY, BY THOSE PRESENT, TO REAPPOINT GARY DAIGLE TO THE AD HOC BUDGET ADVISORY COMMITTEE THROUGH THE 2005 BUDGET SEASON.

MOVED (CHARTER), SECONDED (FRAWLEY) AND PASSED UNANIMOUSLY TO APPOINT ADELLA UGOLIK TO THE AD HOC BUDGET ADVISORY COMMITTEE THROUGH THE 2005 BUDGET SEASON.

VII. SELECTMEN LIAISON REPORTS:

Mr. Frawley reminded the Capital Improvements Committee members (Milanovich and Way) that they will need to scheduled a meeting soon.

IX. FIRST SELECTMAN'S REPORT:

Mr. Milanovich stated that he has met with the State DOT regarding the 5 Corners, RT 83 and RT 286. The Town Engineer has started working on designs for the 5 Corners. The State DOT has suggested that the Town consider increasing the RT 83 right-of-way to 100 feet. Mr. Milanovich referenced a letter from the State DOT to Cornerstone Realty regarding their traffic permit which recommends substantial changes to RT 83 from RT 74 to RT 286 (Ducky's to Kloter Farms). He will distribute a copy of the letter to the BOS.

Mr. Milanovich stated that he has asked Bob Dawson to certify the structural ability of the Pinney House which is necessary for applying for the State grant.

Mr. Milanovich has contacted William Swords requesting a proposal to conduct a pay and classification study for non-exempt employees. He will also consider requesting proposals from other firms/consultants.

Mr. Milanovich stated that the Building Department is considering adopting a standard fee schedule for building permits. Mr. Williams stated that he would like to develop a system to determine cost of construction based on a national code average so all applicants pay the same amount for a building permit. This way the cost is set by a formula vs. a subjective estimate provided by the contractor.

Mr. Williams stated that the Town has customarily waived the building permit fees for churches and recommended that the BOS determine if a fee should be waived.

Mr. Stupinski asked for an update on the signalization of Pinney Street and Windermere Avenue. Mr. Milanovich stated that 9 traffic accidents have occurred at this intersection this year and several residents have petitions for a traffic light. Mr. Milanovich stated that Santini is approaching the maximum number of building permits allowed by his State traffic permit. The State DOT will not allow the Town to issue any additional housing permits to Santini for the Gasek Farms development.

Mr. Charter asked if the fee for the building permits for the SJM Properties was paid. Mr. Williams stated that the \$3,300 fee was paid on July 25, 2004. Mr. Charter also asked who did the inspections. Mr. Williams responded that due to the rental relationship he has with SJM Properties, the inspections were conducted by Building Officials from other Towns; however, he did sign the Certificate of Occupancy.

Mr. Miller asked if procedures have been revised for calculating the fee in-lieu of land. Mr. Davis stated that the Planning & Zoning Commission now requires an appraisal when a developer requests to pay a fee in-lieu of donating land.

X. CORRESPONDENCE:

- A. 12/6/04 Memo from Shawn Costello, Conservation Commission (follow-up to memo of 9/29/04)

Mr. Milanovich stated that the memos from the Conservation Commission points out the financial support needed to provide consulting assistance to the Conservation Commission. He recognizes the Open Space Plan as a high priority item.

- B. Other: None.

XI. EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING:

- A. Land Acquisition
- B. Labor Negotiations

MOVED (WAY), SECONDED (CHARTER) AND PASSED UNANIMOUSLY TO GO INTO EXECUTIVE SESSION AT 10:12 PM FOR THE PURPOSE OF DISCUSSING LAND ACQUISITION AND LABOR NEGOTIATIONS.

MOVED (WAY), SECONDED (LEIGHTON) AND PASSED UNANIMOUSLY TO COME OUT OF EXECUTIVE SESSION AT 11:00 PM.

- C. Personnel Issue

This item was held in open session, New Business, H., as requested by employee, Matt Davis.

XII. ADJOURNMENT:

MOVED (MILLER), SECONDED (LEIGHTON) AND PASSED UNANIMOUSLY TO ADJOURN THE MEETING OF THE BOARD OF SELECTMEN AT 11:00 P.M.

Submitted by _____ Approved by _____